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I am writing to make comments regarding the Oster Las Pilitas Quarry Conditional Use Permit (DRC2009-00025). Thank you for including my comments and concerns in the documentation that will scope the Environmental Impact Report for this project. I have concern that the process has gotten ahead of itself by allowing an applicant to develop detailed studies on their own before the project has been properly scoped for an EIR. Independent studies that are not directed by the applicant need to occur in order to sufficiently address the impacts this project will impose on the community and formulate sufficient mitigation.

Before addressing the scoping issues and some of the inadequacies that exist in the applicant's studies so far, I have a few concerns that I believe to be appropriate to address at this time.

1. The errors and inconsistencies in the project application that were transferred into the Initial Study Summary prepared by Planning and Building need to be corrected before moving into the next phase of this process. The project description is a moving target that continues to be revised in order to avoid adequate analysis of critical environmental issues rather than providing accurate, realistic operational details that could result in significant environmental impacts.

2. The asphalt/concrete recycling component of this project is not an allowed use on Rural Lands unless it is associated with a waste disposal facility and should be removed from the project application and description. The argument that it has been allowed at Hanson's facility is not applicable because the permit **D900032D of July 18, 1991** (not a new facility) stated approval based on existing asphalt batch plant. That permit (for asphalt manufacturing) was **cup U720217:1 dated: June 12, 1972.**

The following items (and probably many more that I've overlooked because I am a woodworker, not a lawyer) need and deserve to be included in the scoping for this EIR:

Aesthetic
The aesthetic and visual impacts associated with this proposed project need to be evaluated based on the potentially significant changes to the visual character and the topography of the area.

Hwy 58 from the Santa Margarita Urban Reserve Line to the
Kern County line is a candidate for a scenic corridor.
reference: SLO County Open Space Element Table VR-2:

The proposed project is adjacent and within the view corridor of the scenic Salinas River and the Historic 1914 Parker Trust Bridge.

Visual impacts from 101 need ot be adequately addressed. It appears that the project will be visible from the 101 protected visual corridor.

The rural character of Santa Margarita needs to be considered in any aesthetic evaluation. This project will create a significant change by creating the character of a truck depot due to insufficient staging and available parking for trucks at the project site. No feasible mitigations have been presented in the applicant provided studies.

Agricultural Resources
This project will impact agricultural use of other surrounding properties.

Blasting is known to be a disturbance to livestock and domestic animals.

Dust and air contaminants inhibit agricultural production. The potential impacts this project creates in addition to the already existing nearby quarry activities need to be accounted for cumulatively.

Air Quality
Greenhouse Gas Emissions is checked as an insignificant impact in the Initial Study. A site this large being stripped of surface vegetation presents sufficient reason to study this. Vegetation currently absorbs carbon dioxide. Greenhouse Gas Emissions is a reasonably foreseeable impact requiring study.

Monitoring processes (enforcement) and mitigation requirements need to be identified regarding Greenhouse Gas Emissions. Mitigation needs to be feasible and enforceable.

Quarrying is known to produce PM10, PM 2.5, and crystalline silica. The perimeter of the site will need to be monitored for the potentially significant impacts that the presence of particulate matters present. It is not unusual for a modern quarry to require constant monitoring samples. Particulate matters are known to cause respiratory illnesses, lung damage, and be particularly hard for those with asthma to tolerate. The residents surrounding this project deserve to have constant monitoring (feasible mitigation) as part of the requirements this project must meet. This project should be a "modern" quarry if it is allowed to exist.

Mining/Quarrying operations make lots of dust

Blasting rock creates respirable fractured crystalline silica that is not visible, but is caught in the lungs forever. Crystalline Silica is known to cause Silicosis and should be included in the monitoring requirements. Blasting poses more opportunity for potentially significant impacts to surface.

Valley Fever is known to occur in this area and a recent report states that cases are on the rise in the county. The increased risk due to disturbed soil needs to be addressed as the potentially significant impact it is.

The application states that portable crushing and screening will be used "as needed." Ambiguous terms such as this help create a moving target that is not feasible to enforce. Portable crushers are not usually enclosed. Dust needs to be contained, so portable crushers are unlikely to be appropriate for use in a modern operation.

Quarry processing equipment needs to be fully enclosed to minimize the potentially significant impacts of dust and fugitive dust.

It is a reasonably foreseeable event that the prevailing wind (blows straight up Parkhill Rd. where a concentration of residences exist) will raise the fugitive dust up to potentially significant levels. Quarry operations will need to cease at a predetermined wind speed to contain dust.

Mitigation measures need to be taken to contain dust during transportation. The monitoring and enforcement of these measures must be feasible. The cumulative effect of constant truck trips needs evaluation. The rail corridor (RR crossing) comes to mind as an example of public safety being compromised by the constant accumulation of quarry related material dropping from trucks.

The washing of aggregate is an example of the moving target continuing to be revised in an effort to avoid adequate analysis. For now, they say no washing. The removal of washing aggregate from the application presents dust control issues during crushing operations that are potentially significant.

Biological Resources

The proposed project will result in a potentially significant loss of unique and special status species .

The applicant's Initial Study states that avoidance will be a mitigation technique.

The project site is located on a parcel with Moreno Creek/ Salinas River frontage. A reasonably foreseeable event is that wetland and riparian habitat will be impacted by this project regardless of the recommended avoidance mitigation. Monitoring and enforcement of avoidance as mitigation is not feasible .

The study area must include reasonably foreseeable impacts from the project including any areas of disturbance such as road improvements (left turn lane), and other operations incidental to quarry operation.

The Biological Studies need to be conducted at the proper time of year and for appropriate duration to be meaningful. The Initial Study is not adequate based on it being conducted in 2009. 2009 was a year in which precipitation was 45% of normal for this area. It is known that many normally occurring plant species did not appear in 2009.

The Initial Study Summary has checked 7(e) Create any other health hazard or potential hazard? as impacts can and will be mitigated:

There is a high pressure gas line running through this area. The potential hazards presented by blasting and quarrying activities need to be considered as they relate to this line.

The State Water Project runs through the project site. It appears that trucks would have to cross over that line to enter into the quarry area. DWR needs to be consulted on what the potential impacts of this cumulative event might be?

As mentioned in air quality, PM's and crystalline silica are known to cause severe health hazards. Valley Fever is also at increased risk. The prevailing wind direction is almost straight up Parkhill Rd. from the quarry site. The residents that surround this project deserve consideration through honest study of these potentially significant impacts.

NOISE ANALYSIS

Effects of Noise on People
Noise in a community has often been cited as a health problem, not in terms of actual damage such as hearing impairment, but in terms of inhibiting general well being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities such as sleep, speech, recreation, and tasks demanding concentration or coordination. When community noise interferes with human activities or contributes to stress, public annoyance with the noise source increases, and the acceptability of the environment for people decreases. This decrease in acceptability and the threat to public well being are the basis for land-use planning policies designed to prevent exposure of communities to excessive levels of noise.

Changes in topography will change noise levels. Modeling needs to be required in order to identify what the future reasonable worst case might look like.

The noise generated by crushing equipment deserves proper study with modeling that accounts for topography changes. Crushing equipment creates potentially significant impacts.

Blasting is a very troubling aspect of this project. The sound of blasting is annoying and stressful not only to humans, but to livestock and wildlife as well. Modeling needs to be required for this noise component as well as all others. A static study of the present conditions is inadequate when topography changes are part of the ongoing equation. Residents deserve to know the true impacts of these events. In the study conducted by the applicant, no feasible mitigation is proposed for noise generated by blasting.

Truck traffic will create a significant increase in noise to surrounding residents. As the owners/residents of Residence 1 that was used in the noise analysis prepared by Dubbink and Associates, we were surprised to find our concerns systematically dismissed. **The data should have been generated from study rather than the study being generated from data.** Dubbink and Associates began their study by identifying the concerns that we had shared with one of the project applicants. These concerns were shared from our experience with existing truck traffic. The Noise Analysis does not adequately discuss noise impacts based on reasonably foreseeable vehicle speeds and conditions.

The following flawed assumptions were used to discredit any concerns from neighbors and concludes with no feasible mitigation.

1. The study was conducted utilizing a new (2010) vehicle owned, operated, and provided by one of the project applicants. Therefore, the study does not take into account the varying conditions of vehicles that will be used in actual practice. It is reasonably foreseeable that all haulers will not have new trucks. Trucks in various conditions will need to be averaged for the results to be realistic and useful.

2. The study vehicle was fully loaded. Empty in one direction is the case in actual practice. The empty trucks make more noise. This event is reasonably foreseeable and should have been accounted for in the study.

3. One truck was used for the study. No attempt was made to duplicate the impacts that having multiple trucks pass in succession will create. This event is reasonably foreseeable and should have been accounted for in the study.

3. The study vehicle was driven very carefully at speeds not requiring the use of the jake brake or excessive shifting. The use of the jake brake is a source of noise far in excess of a gently idling truck. The study does not mention jake brakes. They are the normal practice for trucks navigating grades. The use of jake brakes is reasonably foreseeable. Worn brakes = lost profit.

4. The sound reading equipment was set up and monitored at a position considerably lower than where the impacts are encountered at Residence 1 (our parcel). Being present during the study, I know that at no time was equipment placed at or near our residence, the location where impacts are greatest. The study states that a reading was taken on a berm between the road and our residence. It goes on to state that this berm has been erected to reduce noise exposure. The berm was created without engineering for sound mitigation. It's purpose is to create somewhat of a barrier between the road and the residence with a visual screen of vegetation. Vegetation does not decrease the noise impacts that heavy truck traffic presents. The berm would need to be several stories or more tall for any line of sight mitigation of sound.

5. The study focuses on one or two specific residences. There are many residences in the area that will be impacted. These surrounding properties need to be included for study as the impacts to them are potentially significant.

6. No weather conditions were stated in the study. It is well known that atmospheric conditions (i.e. inversion layers, wind direction, etc.) have affect on the impacts of noise.

7. Will the EIR include studies where the applicant is participating as was the case when this study occurred?

A study not under the direction of the applicant needs to occur in order for the noise analysis to have credibility. The purpose of these initial studies should have been to identify areas of concern, not to systematically discredit any concerns that would require mitigation. **We strongly suggest that the Biorn-Diani project EIR (April 2008) be referenced** as residences within the same distance vicinity from a project were involved. Extensive mitigation options were prescribed due to the complexity involved with the modeling, the magnitude, the location, the operating hours, and frequency of the numerous noise sources proposed.

The Initial Noise Study is inadequate. It is based on flawed assumptions and a flawed Initial Traffic Study (refer to section on traffic study). Proposed mitigation is not feasible or enforceable on a moving target.

Public Services/ Utilities
An operation this large that includes the use of explosives and heavy machinery will create a potentially significant fire danger.

A heightened fire danger creates a need for increased fire protection to surrounding residents. This is a reasonably foreseeable event.

Placing more than 200 trucks a day will ultimately have significant impact on the infrastructure of our existing road system.

The cost to the county from such things as road repairs, firefighting, enforcement activities, mitigation work, and loss of property values and property tax revenue should receive an honest assessment as measured against the "benefit to taxpayers" that an operation which creates 5 jobs *(reference Ken Johnston, July 8th scoping meeting)* generates. Could it be that the applicant's seemingly unfeasible business plan is an attempt to avoid adequate analysis?

Traffic
HWY 101 and EL CAMINO REAL

The Traffic Study begins on pg. 1 by explaining why
SR 101 and El Camino Real were omitted from study:
The SR 101 interchange at El Camino Real was not analyzed in this report. It is the applicant's opinion that the interchange will not likely experience a change in trips due to the operation of the proposed Project. The Project will operate in the same quarry, recycling, and asphalt market as the already operational Hansen Quarry located on El Camino Real, north of Santa Margarita. Hansen already operates trucks through Santa Margarita to the SR 101 interchange. The Project is contending that its own operations will likely remove Hansen trucks at the interchange while replacing those with Project trucks, resulting in a net balance of current "quarry-related" trips through the interchange.

1) The applicant's opinion is being presented as fact. A study, by definition is intended to be an unbiased analysis, or at least independent of an applicant's opinion.

2) If the situation is examined from the reasonably foreseeable perspective used to determine scoping for an EIR, then several very logical and predictable scenarios present themselves:

a) Trucks from the new project will be taking new and different routes from those being presently utilized (even if we accept that there will be a "net balance in quarry related traffic"). Trucks from Rocky Canyon typically enter and exit Hwy 101 from Santa Barbara Rd. in south Atascadero. Currently they generate very little, if any traffic through Santa Margarita and no traffic on Hwy. 58. Hanson generates truck trips both north and south on El Camino Real and no traffic on Hwy. 58.

b) "Removing" business from existing quarries will likely cause those operations to seek new markets in order to regain this lost market share. This is Business 101. That the net balance of quarry related traffic will be greater than zero is a reasonably foreseeable event.

New truck trips WILL BE generated by new quarry activity. New truck trips WILL BE a direct result of the project and are subject to cumulative evaluation in the project EIR for the potentially significant impacts they create.

3. It is predictable (reasonably foreseeable) to know that if additional business opportunities exist, they will not be overlooked by the applicant or their competitors because the impacts of such actions were not included and studied in the EIR. Therefore, the reasonable worst case needs to be studied.

4. This intersection (El Camino an Hwy 101) was identified as a Class 1 impact in the EIR prepared for the Santa Margarita Ranch Ag Cluster project. Large trucks create even more issues and will need to be considered cumulatively in addition to the impacts already being considered by the SMR project.

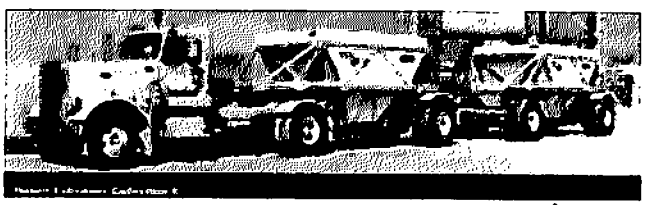
The SR 101 interchange at El Camino Real needs a complete and thorough analysis in both the north and south bound directions. There are potentially significant impacts that have already been defined previously (EIR for Santa Margarita Ranch Ag Cluster) but have been completely omitted from the study conducted for this project.

ESTRADA AND EL CAMINO REAL

The **Public Utilities Commission**, the state agency responsible for rail safety within California requires the safety of the rail corridor. The commission has exclusive jurisdiction of safety at all rail crossings within the state.

The proposed project will significantly impact the safety of the rail corridor by the generation of 200 truck and double trailer trips per day. Trucks with double trailers are anywhere from 60'-70' in length. *Project agent Ken Johnston used 72' at the scoping meeting*

The images below give an idea of the scale of vehicle that is being discussed here. This represents a fairly accurate mix of what we see being used at existing quarry operations.



Double bottom dump $L \approx 66'$

Double end dump

Equipment hauler

On August 22, 2006 during an onsite diagnostic meeting "large trucks were observed routinely fouling the tracks while queued for turns onto El Camino Real from westbound SR58/Estrada"
from PUC document stated above

The intersection of Estrada and El Camino as it exists has a collision rate at 3 times the state average. The SR58 corridor, between US101 and post mile 6.20 (east of the town of Santa Margarita) has a collision rate of nearly double the statewide average for equivalent roadway facilities.
reference: data provided by Caltrans for a 36 month period from Aug. 2002- July 2005.

Here is the sign at the RR crossing traveling west on Estrada as traffic approaches the crossing. Trucks will travel over this rail corridor each and every trip cycle produced by this project.

Estrada and El Camino Real presents a very dangerous and reasonably foreseeable situation. The length of a truck with double trailers exceeds the available length between the RR crossing and El Camino Real. The proposed increase in truck traffic can only compound this problem. It also will not take very many trucks backing up in succession to clog the school crossing.

The advisory pictured below is posted from both entrances onto Hwy 58 from El Camino Real. This warning gives us an idea of the unsuitability of Hwy 58 for an increase in truck/trailer traffic. Following a truck and trailer out Hwy 58 towards the project site, it becomes quite clear that it is not possible for trucks to stay within their own lane in places, even when traveling at speeds lower than the limit. There are no turnouts, as well as curves and dips that eliminate lines of sight to oncoming traffic in several areas.

Another **oversight** is the lack of any area to stage trucks waiting to enter and load at the project site. The project access point just east of the Salinas River bridge and just west of Parkhill Rd. is already a very dangerous stretch of SR58. It is reasonably foreseeable that the project generated trucks will cumulatively add to the traffic safety in this vicinity. A feasible solution needs to be presented that addresses this issue. The obvious options present unacceptable impacts. Staging in town presents significant impacts to those residents and scars the rural character of the town. Staging on Parkhill Rd presents significant impacts to those residents and commuters.

The public safety and well being of an entire community are being placed at risk by accepting the Initial Traffic Study prepared by the applicant. This is not acceptable.

The Initial Traffic Study is completely inadequate. **This study needs much more than a peer review!** It does not include cumulative impacts from previous and existing projects such as the Santa Margarita Ag Cluster development. A traffic study **MUST** (required by law) focus on safety issues.

Land Use

15 (ad) are all checked consistent in The Initial Study. This is inaccurate. The impacts that the Industrial nature of this project poses to the existing Residential Rural and Rural Land parcels warrants consideration.

The zoning of surrounding properties is incorrect in the project description application. Rural residential zoning exists to the South and East, not Rural Lands as stated.

Application states that Oster owns the adjoining parcel to the proposed quarry. This is misleading. Although she does own two parcels, they are both being used as part of the quarry operations. The current representation would lead the public to believe that this second parcel is a buffer, but it is in fact part of the operation.

The number of residences that will be affected has been misrepresented in the application and Initial Study Summary. Selective mapping (omitting Parkhill Rd. entirely) was presented at the scoping meeting of July 8th, 2010.

There are many residents surrounding this project and the impacts to them are significant.

It is unfair, unrealistic, unreasonable, and unlawful not to consider the interests of other property owners and community members as equal to the interests of the applicants.

Many adjacent and nearby property owners have spent a great deal of time and financial resources to create places that are healthy and pleasant to live in. Surrounding residents will experience a diminishing quality of life brought on by constant noise, dust, and blasting operations, an increase in health issues, and a decline in their property values as direct impacts from this project. It is safe to say these are potentially significant impacts.

Many adjacent and nearby property owners have granite deposits similar to what can be found on the Oster property. The existence of "high quality" granite is not a particularly special circumstance around here. Many of these properties are also located within the "extraction zone" that the applicant for this project would like neighbors to believe is a reason to exercise overriding considerations for what will certainly be many class 1 impacts if this project EIR is correctly scoped. From a planning perspective, we need to consider the future intent of what this area is going to be. If we take it in this Industrial direction, the floodgates will be opened. Many property owners will have no choice but to exploit whatever resources exist on their property when their properties become no longer fit for residential purposes (declining property values will leave many without many options). 200 truck trips a day will quickly multiply when it is decided that this is the highest and best use of this area. The rural character of Santa Margarita will decline into an industrial mining wasteland. This project presents a critical juncture in opening up properties to mining that formerly would not have considered the hurdles this area presents to be surmountable.

WATER

The Initial Study does not address water supply other than to say **"based on available information, the proposed water source is not known to have any significant availability or quality problems".** That would be such good news to many of us but unfortunately it is far from the reality that exists out here. The vicinity surrounding the project is known to have extreme water supply deficiencies (many residents are forced to truck water in during drought periods).

It is more than reasonably foreseeable (certain) that this project will have a potentially significant impact on the water supply of nearby residential parcels as well as significant impacts to Moreno Creek and the live stream portion of Salinas River that run through the project parcel. A thorough Water Supply Assessment (WSA) study is necessary. Please note the following;

When a city or county determines a proposed project is subject to CEQA, and it is also a "project" within the meaning of Water Code section 10912 (hereafter section 10912), subdivision (a), a WSA is required. (Water Code, § 10910 (hereafter § 10910), subd. (b).) The WSA is intended "to assist local governments in deciding whether to approve the projects. (See Water Code, §§ 10910-10915.)" (*O.W.L. Foundation v. City of Rohnert Park* (2008) 168 Cal.App.4th 568, 576.)
As is relevant here, section 10912 defines the term "project" as including a "proposed industrial, manufacturing, or *processing plant,* or industrial park planned to house more than 1,000 persons, *occupying more than 40 acres of land,* or having more than 650,000 square feet of floor area." (§ 10912, subd. (a)(5), italics added.)[8]

Further, section 10910 requires that when "a water supply for a proposed project includes groundwater," as here, the WSA must include additional information about the sufficiency of the groundwater supply. (§ 10910, subd. (f).) Without groundwater information, "the true impact of the Project on groundwater supplies cannot be adequately evaluated." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 663.)
The WSA must be included in any CEQA document prepared for the project. (Water Code, § 10911, subd. (b).) In turn, a provision of CEQA requires compliance with these Water Code provisions. (Pub. Resources Code, § 21151.9.)
Please refer to: *Center for Biological Diversity v. County of San Bernardino* (2010) __ Cal.App.4th __, the court found that an EIR for a proposed open-air composting facility did not satisfy the informational purposes of an EIR in relation to air quality alternatives and water supply.
Under the plain language of section 10912, subdivision (a)(5), the proposed Hawes Project qualifies as a "project" because it is a "processing plant" conducted on more than 40 acres of land.[9] We reject Nursery Products's assertion that subdivision (a)(5) of section 10912 applies only to "large scale buildings located on large square footage or plots of land." The Water Code does not define the term "processing plant," but the term "plant" is commonly defined as including the *land,* as well as buildings, machinery and fixtures, used in carrying out a trade or industrial business. (Merriam-Webster's Collegiate Dict. (11th ed. 1996) p. 948, italics added; Webster's 3d New Internat. Dict. (1993) p. 1731.) "When attempting to ascertain the ordinary, usual meaning of a word, courts appropriately refer to the dictionary definition of that word." (*Wasatch Property Management v. Degrate* (2005) 35 Cal.4th 1111, 1121-1122.) Had the Legislature intended the statute to apply only to processing operations conducted in large buildings, we presume it would not have included acreage as a separate factor in addition to square footage of a physical structure. An open-air composting facility is a "project" within the meaning of subdivision (a)(5) of section 10912 if it meets the acreage threshold, even if the only structures on site are small ones.

The project description notes that "high quality" material will be stockpiled. High quality material comes from washed aggregate. The revised Initial Study has removed the word "washed" that prefaced "high quality materials sorted and stockpiled for specialty applications". This is a contradiction because washing is a necessary process to produce high quality material for specialty applications. The applicant does not seem to be able to figure out whether they want to wash aggregate or not. The reality is that the market will dictate whether aggregate gets washed or not. And the market for unwashed aggregate (pit sand and sub-base (dg class II) is minimal in relation to the other higher quality "specialty" products. Therefore, it is a reasonable worst case scenario that aggregate will be washed and that the consumption of water will exceed the 20,000 gallon per day estimate made in the original project application.

20,000-40,000 gallons a day is typical for similarly sized quarry operations to control dust. Washing aggregate is in addition to this figure. This is a potentially significant impact to the already limited water supply that exists in the project area.

The issue of dust control arises if aggregate is unwashed. Washing during crushing is a typical dust control mitigation technique used by "modern" quarries. Washing uses water. The applicant does not get to have it both ways on this issue. It is reasonable to presume that the applicant knows full well that enforcement of water thresholds is nearly impossible (unfeasible).

Environmental Justice

Geographic inequity describes a situation in which the burdens of undesirable land uses are concentrated in certain neighborhoods while their benefits are received elsewhere.

This community already is home to two mining/quarry facilities that have reserves far in excess of what the proposed life span of this project would be. So material sources already exist and two willing extractors already exist. A third quarry imposes completely unnecessary impacts to an already impacted community in order to provide a product the applicant claims their is no new need for. Something doesn't quite add up with this scenario.

Furthermore, each of these existing facilities is located (sited) in such a way that shields their impacts to the community far better than could ever be achieved with this project site.

The benefits of a project need to outweigh the impacts of a project in order for the project to be approved and placed within a community.

So far, this project has demonstrated that it presents nothing more than significant impacts to the community. The applicant's practice of continually revising the project description backs them into a bit of a corner. They cannot really demonstrate any of the benefits they hope for because that would trigger the need to subject the true impacts to analysis.

Groundwater Contamination

Groundwater contamination could cause potentially significant impacts to wells in the surrounding area.

Residue from explosives, spilled fuel, and other chemicals could seep into the ground water causing potentially significant impacts to area wells and nearby waterways.

Surface Water Contamination
In addition to carrying residue from explosives, spilled fuel, and other chemicals, runoff from the project site could cause potentially significant impacts to the Salinas River and other bodies of water.

In conclusion, if we look at this project as presented and apply the reasonable worst case scenario to it as required by CEQA, it presents many potentially significant impacts. The Initial Studies provided by the applicant do not adequaetely address the impacts that will be created. I would like to know that the public can trust the process to objectively and accurately evaluate the real impacts to the community. I would like to know that mission statement claims such as "Helping Build Great Communities", and "Promoting Wise Use of Land" are being taken very seriously and every effort to achieve those goals is being exercised. I ask that you, the county of SLO Dept. of Planning and Building uphold the process and scope the EIR for this project to the extent that the facts warrant, with the applicant appropriately placed outside of the process.

Thank you for this opportunity to take part in the process by making comment,
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